



TOWN OF VESTAL
ZONING BOARD OF APPEALS
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ZBA BOARD MEMBERS:

Chairman: Jennifer Kakusian
Members: Mark Tomko
Tom Smallcomb
Thomas Jackson, Jr.
Paul Houle
Alternates: Eugene Burns
John Taylor
Attorney: Phillip Grommet

TOWN OF VESTAL
ZONING BOARD OF APPEALS

In the Matter of the Application of:

Mr. George Perris
105 Clark Street
Vestal, NY 13850
BCTM#: 173.23-2-14

At a meeting duly scheduled for January 10, 2019, the Zoning Board of Appeals of the Town of Vestal held a public hearing to consider the application of Mr. George Perris regarding premises situated at 105 Clark Street (BCTM#: 173.23-2-14) for a variance for non-conformity with Chapter 24, Article IV, Division 32, Section 24-181(b)(4)(a) of the Code pertaining to an accessory structure being located other than 10 feet to the rear of the principal structure in an "RA-2" One & Two Family Residential District AND for a variance for non-conformity with Chapter 24, Article IV, Division 32, Section 24-181(b)(4)(b) of the Code pertaining to an accessory structure having less than the required 3-foot side lot line setback in an "RA-2" One & Two Family Residential District.

Proof of publication of the notice of the hearing in the Town Crier was submitted and the Board's letter to the applicant in response to the application was read. The applicant previously submitted a letter to the Board dated November 9, 2018, a drawing of the property indicating the location of the accessory structure and the property's boundaries lines, a picture of the accessory structure, as well as two letters in support of the variance application. There were no letters of opposition received to the variance application.

Jennifer Kakusian, ZBA Chairman, asked if the Board Members had visited the site. All members answered in the affirmative. She also had designated Alternate Board Member Eugene Burns as a Board Member for tonight's matters.

Mr. George Perris represented himself and presented on the application. He explained that the house, the principal structure on the property, is located deep in the lot such that the property has no backyard or side yard areas. He also explained that the tent, the accessory structure at issue, is located in front of the house towards the side lot area of the property with the most room. He noted that the tent is obstructed from view by trees and he also described that he uses the tent for storage.

Gene Burns inquired as to if Mr. Perris knew how or why the house was constructed so deep on the lot. Mr. Perris speculated that the large tree in front of the house may have entered into the decision of the location of the site. At this time Mr. Perris reminded the Board Members of the letters of support for the variances.

Tom Jackson, Jr. inquired as to if the tent is anchored. Mr. Perris answered basically in the affirmative and explained the intricacies thereof.

Jennifer Kakusian inquired as to the type of fabric of the tent. Mr. Perris explained that it was a heavy canvas fabric.

Mark Tomko directed a question to Lincoln Ellis, Town Code Enforcement Officer, as to how far off the property lot lines the accessory structure tent is located. Lincoln Ellis noted that it was approximately 2 feet from the side lot line boundary and more than 40 feet in depth from the property's front street boundary.

No other Board Members had questions. The hearing was opened for public discussion at 6:15PM, however there being none heard, the hearing was closed at 6:15PM.

After due deliberation, the Zoning Board of Appeals made the following finding of facts and conclusions of law:

There was no General Municipal Law 239 review and there is no SEQRA review required.

The Board then decided to review and analyze the two variance requests separately.

With respect to the first variance request pertaining to an accessory structure being located other than 10 feet to the rear of the principal structure in an "RA-2" One & Two Family Residential District, the Board Members reviewed the requirements for an area variance and analyzed the various factors in deciding to grant or deny the request.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: NO
Reasons: Another neighboring parcel similarly has an accessory structure in its front yard in front of the principal structure house.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: NO
Reasons: Applicant would have to move the house.

3. Whether the requested area variance is substantial: YES
Reasons: Request is substantial looking at it on a per foot basis.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: NO
Reasons: Another neighboring parcel similarly has an accessory structure in its front yard in front of the principal structure house.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance: NO
Reasons: Applicant did not locate the principal structure house in its current location.

A motion was made by Board Member Eugene Burns to approve an area variance under Chapter 24, Article IV, Division 32, Section 24-181(b)(4)(a) of the Code of the Town of Vestal pertaining to BCTM#: 173.23-2-14 also known as 105 Clark Street, as presented, so as to be allowed to install an accessory storage tent in its current location in front of the house where the Code requires that an accessory structure be located 10 feet to the rear of the principal structure in an "RA-2" One & Two Family Residential District. The motion was seconded by Tom Smallcomb, a vote was called, and all Board Members present voted as follows:

<u>Vote:</u>	<u>Aye</u>	<u>Nay</u>
Jennifer Kakusian	x	
Mark Tomko	x	
Tom Smallcomb	x	
Thomas Jackson, Jr.	x	
Eugene Burns	x	

Next, with respect to the second variance request pertaining to an accessory structure having less than the required 3-foot side lot line setback in an "RA-2" One & Two Family Residential District, the Board Members reviewed the requirements for an area variance and analyzed the various factors in deciding to grant or deny the request.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: NO
Reasons: Another neighboring parcel similarly has an accessory structure in its front yard to the side of the principal structure house.

2: Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: NO